

RE: Jane Doe v. UVA - Motion to exceed page limit

BC Bernhardt, Christopher P. <CBernhardt@oag.state.va.us>
Mon, 23 Sep 2024 12:36:55 PM -0400 •
To "Liz Abdnour" <liz@education-rights.com>
Cc "dmunro@trialsva.com" <dmunro@trialsva.com>, "Hensley, Amy" <hsc5te@virginia.edu>

Hi Liz and Devon,

Thank you for your response and for letting us know your position. Due to the quickly approaching trial date and the other pre-trial deadlines, we do not agree to extend the time for Plaintiff's response by two weeks. We are concerned with the court having sufficient time to rule on a motion for summary judgment before trial.

We will let the Court know that Plaintiff does not agree with this request. We will go ahead and file the motion this afternoon. We will still ask the court for Plaintiff to be granted the 40 pages.

Best regards,

Chris

From: Liz Abdnour <liz@education-rights.com>
Sent: Monday, September 23, 2024 12:14 PM
To: Bernhardt, Christopher P. <CBernhardt@oag.state.va.us>
Cc: dmunro@trialsva.com; Hensley, Amy <hsc5te@virginia.edu>
Subject: Re: Jane Doe v. UVA - Motion to exceed page limit

Hi Chris,

Thanks for your message. We are willing to agree to this extension in exchange for an extension of our response to 40 pages and both of the following:

- An agreement to extend our response deadline by two weeks, to 10/23/24, given the additional length and that I have responses to MSJs and MILs due in another case on 10/18/24, and
- A withdrawal of your client's objections to our discovery request which you sent over yesterday and a response within one week, as we believe the judge will grant an extension to the discovery deadline if we have to file a motion over this, given that we were not notified of Mr. Esmati as a potential witness until less than 30 days prior to the close of discovery.

Please let us know. Thanks.



Liz Abdnour

Partner

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----- On Fri, 20 Sep 2024 16:01:08 -0400 **Bernhardt, Christopher P.**
<CBernhardt@oag.state.va.us> wrote ---

Good afternoon, Liz and Devon.

The scheduling order in this matter limits all briefs in support of motions to 25 pages.

We are going to file a motion seeking leave to exceed the current page limit by fifteen additional pages for UVA's forthcoming memorandum in support of its motion for summary judgment. Defendant needs more than 25 pages to adequately set out the material undisputed facts relating to the J-Term trip in December 2018 and January 2019 and UVA's response and Title IX investigation from March 2020 through August 2021 and still be able to set out its arguments regarding the application of the law to those facts.

Please let us know if Plaintiff has any objection to this request. We will ask the court that Plaintiff also be granted 40 pages for her responsive brief.

Also, we will be filing a motion to seal most of UVA's exhibits to the memorandum in support of its motion for summary judgment. From our discussions with you over the course of this case and Plaintiff's interest in preserving her privacy, we expect that Plaintiff will not have any objection to this. Please let us know if we are mistaken as to Plaintiff's general position as to the sealing of exhibits in relation to the motion for summary judgment.

Pursuant to Local Rule 9, we are required to describe every document that we seek to seal in the motion to seal. That will be forthcoming from us.

Best regards,

Chris

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